G R S App [IX 4]

1943-44 (Municipal)

File No 111-43

Serial Nos 4534

Previous References

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos 3

Part B for Oct'43

SUBJECT

Appeal petition of Mr D Siddaramaiah against the order of removing him from the membership of the Shikaripura Municipal Council

B4) To D Siddaramappa
4039
Leg 8 11/10/43
Grant Endorsement that the Orders cannot be reconsidered

Alleged Appeal of Mr D S Siddaramaiah against the order of removing him from the Shikaripur Municipal Council

Continuation Sheet — File No / Current No — of 62 — Page 33/C

Appeal petition dated 20 6 1943, by Mr D S Siddaramaiah through his Counsel regarding to remove the order of Government to remove him from the membership of the Shikaripur Town Municipal

1) Mr D. S. Siddaramappa was served with a notice from Government to appear before the Hon'ble Mr J P H and to show cause as to why he should not be disqualified from the Shikaripur Town Municipal Council, for misconduct as resolved by the Local Municipal Council and recommended by the D.C Shimoga He did not avail himself of the opportunity and hence acting according to D.C's recommendation were passed.

Now he states that he was not personally served with the notice from Government and that it was deliberately caused to be reported as refused by him and hence he could not press his case before the Government This is strongly false & no body have reported like this. A notice was issued to him direct from the Office on 30 4 43 giving him time till 15 5 1943 But he did not turn

As regards other legal defects pointed out in the petition, it

4 Orders by a depot may not be called for from the Depot Chiefs in the first instance. Depot has to stamped Copy ruled

A detailed report may perhaps be called for from the Depot Chiefs on the points referred to in the petition, together with the connected records

5 The appellant's case of stay order against the order directing his removal from the membership of the Distribution Committee does not appear necessary to issue a stay order

Law Secy

7 Reports may be called for by early

Secy

Secy to Govt of India Attached for 10-7-43

Draft letter submitted for approval

10/7

Secy

9. Secy 10/7/43

No. 6/5/8 B 7 1943, forwarded the petition & an detailed report

Secretary to Govt of India

SECTION 10 JULY 1943

10/7/43

Continuation Sheet | File No / Current No | 35 of 1972 | Page

Letter No H3C 331/63-64 dt 18th Oct 63 from the
SC Chief Secy dtd 19th Oct 63 requesting
Report called for
Govt Secretary's orders on the PU
[illegible] put up with the connected file.

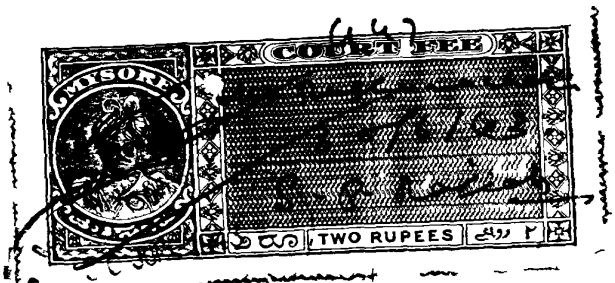
ASO
22/9/63

with the connected file for orders
[illegible]
Sri Sundaresa Mudaliar counsel, [illegible]
has prayed for the cancellation
the orders passed by the Govt, removing him
from the membership of the said mkt
committee & the report & records was called for
and has [illegible]. The petitioner
dealt with the grounds urged by
the petitioner in his petition for restoring him
to his membership and has come to the
conclusion that they are all untenable
He does however state that he
agrees with the views expressed by the
Mkt President and that there are no
good grounds to interfere with the orders
already passed by Govt in the report
He has also stated that in order to
fill up the vacancy caused by the disqualification
of the petitioner, a by election was held and one
Thiruthalli Veera Bhadrappa has been declared
duly elected [illegible]
by the petitioner praying for a stay of the

Continuation Sheet | File No / Current No | of | Page

OFFICE OF THE MINISTER FOR L S G & P H
Date
No

WD 1140—GPB—50,000—5-11-42



GEN & REV OFFICE BRANCH
30 JUL 1943
GEN & REV SECTION
1 JULY 1943
L.S.G. BRANCH

Before the Government of His Highness the

Rajpramukh of Mysore at Bangalore

Rev Pet No of 1942 - 43

Petitioner -

Dharwar Sidda Ramappa, son of Gurubasappa, Ex municipal Councillor Shikarpur Town, Shimoga District

****

UNDER SECTION 20 of the Mysore Town Municipal Act, the petitioner abovenamed prays that the order of L 11851/Mi 109-42-14 dated 5th June 1943 removing the petitioner from membership of the Shikarpur Town Municipal Council be reviewed for the following among other grounds of Review -

1. The petitioner was not personally served with the notice for the date of hearing before the Government It was deliberately caused to be reported as refused and hence the petitioner could not press his case before the benign Government The petitioner has today filed an affidavit in this regard in support of this statement

2 The petitioner is an elected member of the Shikaripur Town Municipal Council for the past sixteen years without any black mark or allegation of any complaint The present complaint of misappropriation of Rs 5/- is false and concocted out of zid by

whom

the majority of the petitioner's colleague Municipal Councillors The enquiry itself was not conducted in a judicial manner and no opportunity was afforded to the petitioner to cross-examine the witnesses against him Moreover even the record of evidence as it is, is very discrepant and self-contradictory and the witnesses are men of straw The complaint of Lakmappa Heggappa was egged on by Krishnappa who bears a zid against the petitioner for the last 12 years The complainant's witnesses and even the Committee members all bear zid against the petitioner The whole proceedings of enquiry was a malicious farce

The petitioner is a man of substantial and status and there was absolutely no necessity or reason for the petitioner to misappropriate a paltry sum of Rs 5/- If really it were a fact, the Municipal Council may as well have prosecuted the petitioner in a criminal court and he would have gladly faced a judicial trial and come out honourably Because the Municipal Council could not successfully prove a case against the petitioner, they took recourse to this strange form of private enquiry - which is not sanctioned in either in law or equity

4 The complaint itself is belated by sixteen days (the incident is alleged to have taken place on 15th May 1941 but the

the complaint was made on 31st May 1941) There was plenty of time and opportunity for manufacturing a complaint and concocting evidence therefor The names of the witnesses was not given in the complaint petition Moreover the incident took place in the Jathre, the complaint ought to have been made then and there

5 In fact the petitioner was deputed to collect the ground rents etc , at Jathre for one month and he is rendering such service honorarily and the collections improved very much during the time of the petitioner's tenure

6 The collections alleged to be misappropriated are not Municipal funds but Muzrai funds (i e Jathra Revenue) and hence the Municipal Council have no locus standi to take any action in this regard against the petitioner and their action is ultra vires

7 The findings of the Committee of enquiry itself shows that they have not acted judicially in the matter Why should the petitioner be called upon to submit an apology at all, In case the allegations were proved and established The petitioner would have come out successful in a Civil or Criminal Trial or even by a Departmental enquiry The petitioner has been condemned behind his back and unheard

8 The petitioner also submits that the Municipal Councillors themselves - either together or

in

in a Committee - cannot sit in judgment against another Municipal Councillor - that too for alleged misconduct Therefore the whole proceedings of Enquiry are void ab-Initio and illegal

9 In fact the petitioner's conduct has been fully vindicated by the the then Amildar President Mr K S Krishnaji Rao's order dated 8th August 1941 The matter was revived six months thereafter, after this Amildar was transferred and a case was built up against the petitioner This is illegal

10 The petitioner's cause is honest, bonafide and quite good and substantial on merits and there is absolutely no mis-conduct on the part of the petitioner Even on the available evidence, the petitioner is prepared to challenge the findings of the Municipal Committee of Enquiry and establish the hollowness of its findings

11 The order of removing the petitioner from membership of the Municipal Council is unjust and inequitable and unsustainable in law and facts of the case

12 Prayer - Wherefore the petitioner prays that the order No L 1185/Ml 109-42-14 dated 5th June 1943 be reviewed and the petitioner be restored into membership and pending adjudication of this review, further proceedings re holding a bye-election be stayed and the previous order held in abeyance

Advocate for petitioner

Bangalore City,
30th June 1943

D Seshagiri Rao
Petitioner

53'2

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE, BANGALORE

Rev Pet 10 of 1942-43

Petitioner -

Dharwar Sidda Ramappa

****

PETITIONER'S AFFIDAVIT

I, Dharwar Sidda Paramanna, son of Guru-padappa, Shikaripur Town, Shimoga District do hereby take solemn oath and truthfully declares as follows -

1 I was not personally served with any notice calling upon me to show cause against removing me from membership of the Shikaripur Town Municipal Council The said shara of refusal and nonservice on me has been made without my knowledge If I knew of the - hearing I would certainly have availed myself of the opportunity to press my case before the Government It is unthinkable that I would have remained exparte in such a serious matter wherein my reputation is at stake I therefore pray that the above explanation of my absence at the hearing date be accepted and my revier application admitted

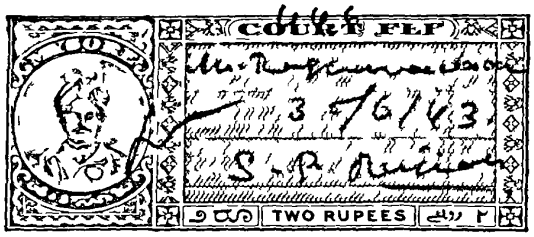
Bangalore City, 30th June 1943

D Sidramappa
Petitioner

Identified by
Venkatachar
Advocate for
Petitioner

Sworn to before me,

SWORN TO BEFORE ME this 30th day of June 1943



5313

ಕೋರ್ಟಿಗೆ

Before the Government of His Highness
the Maharajah of Mysore Bangalore

19 -19 ನೇ ನಂಬರು Municipal Petition No 42-43

ಫಿರ್ಯಾದಿ ಎಕ್ಸಿಬಿಟ್ ಪ್ರತಿವಾದಿ ಯಾ ಅಪೈನೆಂಟ್

Dharwar

Siddalingappa V S

ಮುಖ್ಯ ಕೆ ಆರ್ ರಾಘವಾಚಾರ್, ಬಿ ಎ ಎಲ್ ಬಿ ಅಡ್ವೊಕೇಟ್, ಬೆಂಗಳೂರು ಸಿಟಿ
K R RAGHAVACHAR B.A.LL.B. ADVOCATE BANGALORE CITY

Petitioner ಎಂಬ ಕೊಟ್ಟ ವಕಾಲತ್ ನಾಮ

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ತಮ್ಮ ನನ್ನ ಪರವಾಗಿ ಆಪೈರುವರಿಗೂ ಕೋರ್ಟಿನಲ್ಲಿ ವಿಚಾರ ಜರಗಿಸುವುದಕ್ಕೂ ನನ್ನ ಪರ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆಡರ್‌ನ್ನೂ ಡಿಕ್ರಿಯನ್ನೂ ಒರಿಜಿನಲ್ ಹಣ ವಸೂಲು ಮಾಡಿಕೊಳ್ಳುವದಕ್ಕೂ ನನಗೆ ಕೋರ್ಟಿನಿಂದ ಸ್ಥಳೀಯವಾಗಿರುವ ಡಿಕ್ರಿ ಮೊಬಲಗು ಎಲ್ಲಾ ಮೊಬಲಗು ಸಹ ಪಡೆಯಲಿಕ್ಕೂ ದಸ್ತೈವಜು ವಗೈರೆಗಳನ್ನು ವಾಪಸು ಪಡಿಯುವಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣಾಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ ಅಲ್ಲದೆ ತಾವಲೀ ಯಾ ತಮಗೋಸ್ಕರ ನೇಮಿಸುವ ವಕೀಲರಿಗಲಿ ಡಿಟ್ಟೋ ಮೊಕದ್ದಮೆಯಿಲ್ಲಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕಲಮುಗಳನ್ನು ನನೆ ಮುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಿಕೊಳ್ಳುವೆ ಒಬ್ಬನಾಗಿ ಇದ್ದೇನೆ

ತಾರೀಖು 30-6-43 ರುಜು D Siddalingappa

ಈ ಮುಕ್ತಾರನಾಮ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯ ಸ್ವಂತ ನನ್ನ ಸಮಕ್ಷಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ

ಈ ಮೊಕ್ತಾರನಾಮ ಅಂಗೀಕರಿಸಿದೆ

K R Raghavachar K R Raghavachar

ಸಿಕ್ಕುವ ಸ್ಥಳ ಬೆಂಗಳೂರು ಸಿಟಿ ಚಿಕ್ಕಪೇಟೆ ವಿದ್ಯಾಸಾಗರ ಬುಕ್ಕು ಡಿಪೋ ಬಿ ನರಸಿಂಹೈಯಂಗಾರ್ರವರ್ಲ್ಲಿ ಸಿಕ್ಕುತ್ತೆ

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

No L 615 / mel11-43-5 *Dated Bangalore* 13 July 1943

FROM

The Secretary to the Government of His Highness the Maharaja of Mysore

Law Department

To

The Deputy Commissioner,
Shimoga District,
Shimoga

Sir,

I am directed to forward herewith for a detailed report with the connected records the petition dated 8th June 1943 (in original) received from Mr D. Subbaramaiya, praying for the cancellation of the orders passed by the Government removing him from the membership of the Shikaripur Town Municipal Council

2 The petition with its enclosure may be kindly returned along with the report

3 An urgent reply is requested.

I have the honour to be,
Sir,
Your most obedient servant,

For Secretary to Government,
Law Department

Appendix F G —1]

SUBJECT

Section Jud —
File No 111—43
Serial No 5

Diary No of letter replied to

No L615/Gen Rep

To

The D.C Sheruga
Shiruga

General and Revenue Secretariat

( )

the *194*

ate of issue 13/7

Signed by

Sir,

I am directed to forward herewith for a defaited report with the connected papers of appeal in the petition dated 30.6.1943, in original received from the D.C Batticaloa bearing on the cancellation of the order passed by the Court removing him from the membership of the Batticaloa Town Council.

List of enclosures

2 The petition with its enclosures in original

Copied by

Examined by

I am urgent reply is requested

I have
the honour
to be
Sir
Your
obedient
servant

WD 04161—GPB—60 000—24 10 41

C \ No 45]

GOVERNMENT OF MYSORE

T I g m ph

OFFICE OF
The Deputy Commissioner,
Shimoga District
Shimoga

No M3 C 361/43-44
Encls File of records and Petition

Date 18th September 1943

By Regd Post Parcel

To

The Secretary to Government,
Law Department,
Bangalore

SECY LAW DEPT 3 MYSORE

GEN & REV SECRETARIAT 19226 22 SEP 1943 LSG BRANCH

Sir

Subject -Memorial of Mr D Siddaramanna, Ex-Municipal Councillor, Shikaripur Town Municipality - praying for the cancellation of the Orders passed by the Govt removing him from the membership of the said Municipal Council

---

With reference to your letter No L 615/ML 111-43-5, dated 13th July 1943 on the above subject calling for a report on the several points urged by the petitioner, Mr D Siddaramanna in his petition under reference, I have the honour to forward herewith in original the detailed report No L C 232/40-41 dated 3-9-43 received from the President Shikaripur Town Municipality in the matter and to state that the Municipal President has discussed in detail the several points urged by the petitioner

2 I agree with the views expressed by the Municipal President I find that there are no good grounds to interfere with the orders already passed by Government in this respect

3 As to the filling up of the casual vacancy, caused by the removal of the appellant, from the membership of the Shikaripur Municipal Council the President states that Election Proceedings were taken by him to fill up the same, in accordance with the Town Municipal Election Rules and under Section 16 of the Town Municipalities Act 1933

4 It is stated that one Mr Surgihalli Veerabhadrappa signified his intention to stand for the Election It is further reported that the objection petition of D Siddaramanna requesting to postpone the Election, pending disposal of his appeal petition before Government was rejected by the President and the Returning Officer in the circumstances explained by him in the endorsement issued to the party (vide copy of endorsement enclosed for the records for kind perusal) The President has since reported that as there was no contesting candidate, Mr Surgihalli Veerabhadrappa was declared duly elected as a member of the Shikaripur Town Municipal Council, under Rule 16 of the Town Municipal Election Rules

5 I am submitting the Election proceedings, received from the President of the Municipality under a separate reference, for kind perusal of Government and for taking further proceedings as contemplated in Rule 35 of the Town Municipal Election Rules

6 The petition received with your letter under reference as also the entire file of records bearing on the subject received from the -

President, Shikaripur Town Municipality, (vide his report No. 232/ 40-41 dated 3rd September 1943) are forwarded herewith for favour of reference as desired

I have the honour to be,
Sir,
Your most obedient servant,

For Deputy Commissioner,
Sukkur District.

KRR/1

Appendix F G —1]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the *194*

Date of issue 11 10 43

Signed by Mr GR Rao

List of enclosures

Copied by

Examined by

Section Rural

File No 111-43

Serial No 34

No G 4039

Endorsement granted to Mr Dharwar Siddaramappa Son of Mr Gurupadappa, Ex Municipal Councillor, Shirkarpur Town

With reference to his petition dt 30 6 1943, ~~Camp, Bangalore etc~~, praying for a review of the I O removing him from the membership of the Shirkarpur Town Mc Cl, Mr D Siddaramappa is informed that there are no grounds for interfering with the orders already passed, in the matter, especially as he did not avail himself in time of the opportunity given to him

WD 04161—GPB—60 000—24 10 41

to prove his innocence in the Case
~~and then to take Law~~

By order

Dir Sec to Supt, Law Department
6/10

Memo re 4040/Records

Copy to Tel V.C. Shimoga Dist W/C
with reference to his letter No MB C 331/43-44
Dt 18-2-43

The records accompany

By

Dir Sec to Supt, Law Dept
6/10